

Document #4892

5/7/87

ADOPTED MAY 7, 1987

Boston Redevelopment Authority

Sixth Amendment to the Report and Decision on the Application of Lafayette Place Associates for the Authorization and Approval of a Project under Massachusetts General Laws (Ter. Ed.) Chapter 121A, as amended, and Chapter 652 of the Acts of 1960, to be undertaken and carried out by a Limited Partnership Formed under M.G.L. Chapter 109, and Approval to Act as an Urban Redevelopment Limited Partnership Under Said Chapter 121A.

Prior Proceedings. On September 6, 1979, the Authority approved and adopted a document entitled "Boston Redevelopment Authority Report and Decision on the Application of Lafayette Place Associates for the Authorization and Approval of a Project under Massachusetts General Laws (Ter. Ed.) Chapter 121A, as amended, Chapter 652 of the Acts of 1960, to be Undertaken and Carried Out by a Limited Partnership Organized Pursuant to M.G.L. c. 109 and Approval to Act as an Urban Redevelopment Limited Partnership Under said Chapter 121A". That Report and Decision was subsequently amended by a First Amendment to the Report and Decision approved by the Authority on April 3, 1980, a Second Amendment to the Report and Decision approved by the Authority on February 17, 1983, a Third Amendment to the Report and Decision approved by the Authority on March 31, 1983, a Fourth Amendment to the Report and Decision approved by the Authority on December 20, 1984, and a Fifth Amendment to the Report and Decision approved by the Authority on April 17, 1986. The Mayor of the City of Boston approved these votes of the Authority on September 27, 1979, April 17, 1980, March 1, 1983, April 15, 1983, January 16, 1985, and May 13, 1986, respectively. Certificates of these votes and mayoral approvals were filed with the office of the City Clerk by the Secretary of the Authority on October 3, 1979, April 23, 1980, March 3, 1983, April 15, 1983, January 17, 1985, and May 13, 1986, respectively. On November 1, 1985, the Authority issued a Certificate of Completion for the Lafayette Place Project.

The September 6, 1979, Report and Decision included the Authority's approval for the transfer of the hotel portion of the Lafayette Place Project from Lafayette Place Associates ("LPA") to Lafayette Place Hotel Associates ("LPHA"). On November 2, 1984, LPA transferred title to the hotel portion of the Lafayette Place Project to LPHA but retained title to the retail/commercial portion of the Lafayette Place Project. By the Fourth Amendment to the Report and Decision approved by the Authority on December 20, 1984, the Authority ratified and confirmed its September 6, 1979, approval of the transfer of the hotel portion of the Lafayette Place Project from LPA to LPHA and approved the lease of the hotel portion of the Project to Swissotel Boston, Inc. (the "Hotel Lease"). By virtue of an assignment and assumption agreement dated February 1, 1985, among LPHA, LPA, the City of Boston and the

Authority, LPHA succeeded to the ownership of the Lafayette Place Hotel Project under Chapter 121A and Chapter 652 of the Acts of 1960.

By the Fifth Amendment to the Report and Decision approved by the Authority on April 17, 1986, the Authority allowed LPA and LPHA to alter the fourth floor of the Lafayette Place Project to include health, athletic and wellness club facilities (the "Athletic Club") to be leased to and operated by a single operator. Since the date of such Fifth Amendment certain design changes for the Athletic Club have occurred that result in a slight expansion and relocation of the new improvements to be constructed on the fourth floor of the Lafayette Place Project.

The Projects. The Projects are commonly known collectively as Lafayette Place. The Projects are located in two air rights parcels, Parcel A (the hotel project) and Parcel B (the retail/commercial project), bounded generally by Washington Street, Avenue de Lafayette, Chauncy Street and the northerly line of Avon Street (discontinued) in Boston.

The Projects, now complete, consist of a retail/commercial project of approximately 260,000 feet of gross retail mall space and hotel project of 504 rooms and suites, located above a parking garage owned by the City of Boston. The retail/commercial project is owned by LPA; the hotel project is owned by LPHA and operated by Swissotel Boston, Inc. under the Hotel Lease. The adjacent Parcel C, not included in the Projects, is not covered by the Application. The Projects and Project Area are more fully described in the Report and Decision of the Authority as amended.

The Fifth Amendment to the Report and Decision, as amended, permitted portions of both the retail/commercial project (Parcel B) and the hotel project (Parcel A) to be used as a single health, athletic and wellness facility (the "Athletic Club"), granted additional zoning deviations needed for such Athletic Club, and agreed that rent from such Athletic Club would be included in the gross income of the owner of Parcel B under Chapter 121A and for purposes of the 6A Tax Agreement with the City of Boston relating to Parcel B. The Hotel Lease, approved by the Authority in its December 20, 1984, approval of the Fourth Amendment to the Report and Decision, expressly provided for such an Athletic Club.

On April 28, 1987, the Applicants submitted a request to amend the Report and Decision, as amended, to obtain the Authority's approval of certain design changes to the Athletic Club that result in an expansion and relocation of the new improvements to be constructed on the fourth floor of the Lafayette Place Project. The changes are as follows:

1. As originally proposed, the Athletic Club was to contain approximately 41,500 square feet overall, consisting of currently unleased space on the third floor of Lafayette Place, existing space to be renovated on the fourth floor, and an 18,000 square foot addition to be added to the fourth floor. The fourth floor addition would require alterations to the main entrance portal. As approved by the Fifth Amendment, the Athletic Club was to include space for racquetball and squash courts, a basketball court, aerobics and weight lifting rooms, open to membership from the general public and hotel guests. The anticipated occupancy date was Fall 1987.
2. Recent design changes will increase the overall size of the Athletic Club to approximately 47,500 square feet, 6,000 square feet larger than the facility planned in 1986. The facility will occupy less of the third floor than was proposed previously and instead will be located primarily on the fourth floor. The new fourth floor addition will contain approximately 32,000 square feet, 14,000 square feet more than the 1986 proposal and will require alterations to the main entrance portal and the extension of a portion of the Project's Washington Street facade from the third to the fourth floor. The anticipated occupancy date of the Athletic Club is now Summer 1988.
3. The architecture firm engaged by the Applicant, Hans Fulscher Designs, has submitted the following list of plans:

<u>Sheet</u>	<u>Title</u>	<u>Date Received</u>
A-1	Third Floor Plan	March, 1987
A-2	Fourth Floor Plan	March, 1987
A-3	Fifth Floor Plan	March, 1987
A-4	Building Section	March, 1987
A-5	Elevation (Washington Street)	March, 1987
A-6	Building Section @ COL H	March, 1987
A-7	Building Section	March, 1987

The Project will be subject to on-going design review through the Contract Documents stage of design.

Authority Action. Before making the findings and determinations hereinbelow set forth and approving the Application, the Authority has considered the Application itself, all documents and exhibits filed with it or referred to in it, the considered recommendation by the Authority's staff, and the arguments and statements made before the Board of the Authority.

Based on the foregoing, the Authority makes the following findings and determinations:

- A. Approval of Application. The Authority hereby ratifies and confirms its approval, on April 17, 1986, of the Athletic Club, which will consist of a single health, athletic and wellness facility to be located partly within the hotel project (Parcel A) and partly within the retail/commercial project (Parcel B).

The Authority hereby approves and consents to the Sixth Amendment to the Report and Decision on the Application of Lafayette Place Associates and Lafayette Place Hotel Associates as requested in the Application.

The Authority also hereby ratifies and confirms its approval, on April 17, 1986, of the zoning deviations for the Projects.

- B. No Fundamental Change in the Projects. The Authority hereby finds that none of the matters contemplated by the Application constitutes a fundamental change in the Projects or in the type and character of the buildings of the Projects.
- C. Effect on Environment. The Authority hereby finds that the requested changes to the Projects will have no adverse effect on the environment, and that all practicable and feasible means and measures have been taken, or will be utilized to avoid or minimize and damage to the Project.

In particular, such changes do not significantly increase any of the environmental consequences of the Projects that have previously been evaluated by the Authority.

In the opinion of the Chief General Counsel's Office, this Sixth Amendment does not represent a fundamental change to the Projects and does not require a public hearing.

APPLICATION OF LAFAYETTE PLACE ASSOCIATES AND LAFAYETTE PLACE HOTEL ASSOCIATES FOR APPROVAL OF A SIXTH AMENDMENT TO THE REPORT AND DECISION OF THE BOSTON REDEVELOPMENT AUTHORITY AUTHORIZING AND APPROVING THE LAFAYETTE PLACE RETAIL/COMMERCIAL PROJECT AND THE LAFAYETTE PLACE HOTEL PROJECT UNDER MASSACHUSETTS GENERAL LAWS CHAPTER 121A AND St. 1960, c.652, AS AMENDED.

On September 6, 1979, the Boston Redevelopment Authority (the "Authority") approved the Report and Decision authorizing and approving the application of Lafayette Place Associates ("LPA") for approval of the Lafayette Place Project under Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960; that September 6, 1979, Report and Decision was subsequently amended by a First Amendment to the Report and Decision approved by the Authority on April 3, 1980, a Second Amendment to the Report and Decision approved by the Authority on February 17, 1983, a Third Amendment to the Report and Decision approved by the Authority on March 31, 1983, a Fourth Amendment to the Report and Decision approved by the Authority on December 20, 1984, and a Fifth Amendment to the Report and Decision approved by the Authority on April 17, 1986.

The September 6, 1979, Report and Decision included the Authority's approval for the transfer of the hotel portion of the Lafayette Place Project from LPA to Lafayette Place Hotel Associates ("LPHA"). On November 2, 1984, LPA transferred title to the hotel portion of the Lafayette Place Project to LPHA but retained title to the retail/commercial portion of the Lafayette Place Project. By the Fourth Amendment to the Report and Decision approved by the Authority on December 20, 1984, the Authority ratified and confirmed its September 6, 1979, approval of the transfer of the hotel portion of the Lafayette Place Project from LPA to LPHA. By virtue of an assignment and assumption agreement dated February 1, 1985, among LPHA, LPA, the City of Boston and the Authority, LPHA succeeded to the ownership of the Lafayette Place Hotel Project under Chapter 121A and Chapter 652 of the Acts of 1960.

By the Fifth Amendment to the Report and Decision approved by the Authority on April 17, 1986, the Authority allowed LPA and LPHA to alter the fourth floor of the Lafayette Place Project to include health, athletic and wellness club facilities (the "Athletic Club") to be leased to and operated by a single operator. Since the date of such Fifth Amendment certain design changes for the Athletic Club have occurred that result in a slight expansion and relocation of the new improvements to be constructed on the fourth floor of the Lafayette Place Project.

The undersigned, LPA and LPHA (the "Applicants"), hereby jointly apply to the Boston Redevelopment Authority (the "Authority") pursuant to Chapter 121A of the General Laws, Chapter 652 of the Acts of 1960 and the Rules and Regulations issued by the Authority, for approval by the Authority of a Sixth Amendment to the Report and Decision approved by the Authority on September 6, 1979, as amended. By this application, the Applicants request the approval of the Authority to the minor expansion and relocation of the Athletic Club and therefore request the following specific changes to the Report and Decision as amended:

1. To ratify and confirm the approval by the Authority, on April 17, 1986, of the Athletic Club, which will consist of a single health, athletic and wellness facility to be located partly within the hotel portion (Parcel A) of the Lafayette Place Project and partly within the retail/commercial portion (Parcel B) of the Lafayette Place Project.

2. Substitute Exhibit 3.1: "Drawings of the Athletic Facility (Rev. 4/87)" consisting of two sheets attached hereto and made a part hereof for Exhibit 3.1 to the Report and Decision, as heretofore amended.

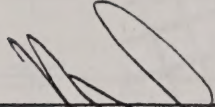
3. To ratify and confirm that the zoning deviations for the Project previously approved by the Authority on February 17, 1983, March 31, 1983, and April 17, 1986, are still in effect and applicable to the Project's Athletic Club.

Executed as of this 28th day of April, 1987.

LAFAYETTE PLACE ASSOCIATES

By Mondev Mass., Inc.
Its General Partner

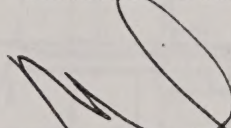
BY


Martin Surkis
Its Treasurer

LAFAYETTE PLACE HOTEL
ASSOCIATES

By Mondev Mass., Inc.
Its General Partner

BY

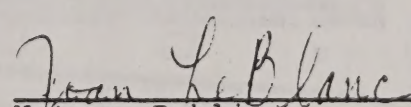

Martin Surkis
Its Treasurer

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

April 28, 1987

Then personally appeared before me Martin Surkis who being duly sworn, made oath to the best of his knowledge and belief the statements contained in the foregoing Application are true.


Notary Public

My commission expires: 10-6-89

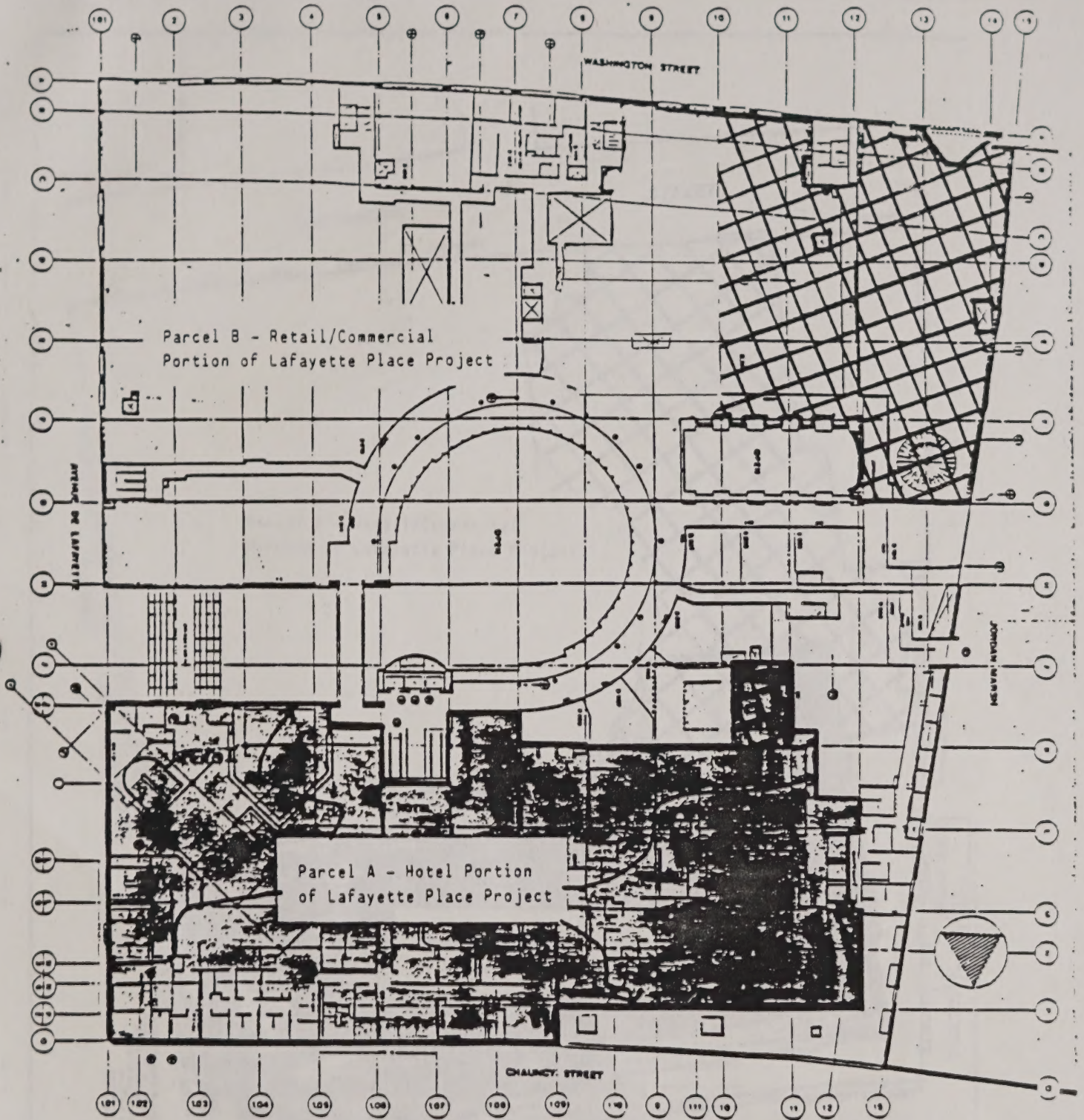


Exhibit 3.1 - Sheet 1

Lafayette Place - Level +3
Plan showing approximate location of
Portions of Athletic Facility on
Level +3

Athletic Facility



LAFAYETTE PLACE
BOSTON, MASS.

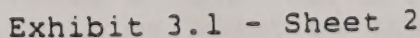
PLAN

LEVEL

+3

Scale: 1/4" = 10'-0"

NOTES:
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.



Athletic Facility

MEMORANDUM

May 7, 1987

TO: BOSTON REDEVELOPMENT AUTHORITY
AND STEPHEN COYLE, DIRECTOR

FROM: SUSAN ALLEN, ASSISTANT DIRECTOR FOR
DEVELOPMENT AND URBAN DESIGN
KELLY KING, ASSISTANT GENERAL COUNSEL
PAM WESSLING, DEPUTY DIRECTOR

SUBJECT: SIXTH AMENDMENT TO REPORT AND DECISION ON
121A APPLICATION OF LAFAYETTE PLACE FOR A
MINOR MODIFICATION WITH RESPECT TO AN APPROVED
HEALTH CLUB FACILITY

Lafayette Place Associates and Lafayette Place Hotel Associates are jointly requesting approval from the Authority for a Sixth Amendment to the 1979 Report and Decision which approved the Lafayette Place Project under Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960.

On September 6, 1979, the Authority voted to adopt the Report and Decision on the application of Lafayette Place Associates for approval of the Lafayette Place Project. The Report and Decision was subsequently amended on April 3, 1980; February 17, 1983; March 31, 1983; December 20, 1984. These amendments were primarily concerned with the evolution of the design of the Lafayette Place Project and with the hotel ownership.

On April 17, 1986, the Report and Decision was amended again; that Fifth Amendment allowed Lafayette Place Associates to alter the fourth floor of Lafayette Place to include a health club facility (the "Athletic Club") in the Lafayette Place Project, and to lease the facility to a single operator.

This application seeks the Authority's approval to certain design changes for the Athletic Club that result in an expansion and relocation of the new improvements to be constructed on the fourth floor.

As originally proposed, the Athletic Club was to contain approximately 41,500 square feet overall, consisting of currently unleased space on the third floor of Lafayette Place, existing space to be renovated on the fourth floor, and an 18,000 square foot addition to be added to the fourth floor. The fourth floor addition would require alterations to the main entrance portal. As approved by the Fifth Amendment, Athletic Club was to include space for racquetball and squash courts, a basketball court, aerobics and weight

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lifting rooms, open to membership from the general public and hotel guests. The anticipated occupancy date was to be Fall 1987.

Recent design changes will increase the overall size of the Athletic Club to approximately 47,500 square feet, 6,000 square feet larger than the facility planned in 1986. The facility will occupy less of the third floor than was proposed previously and instead will be located primarily on the fourth floor. The new fourth floor addition will contain approximately 32,000 square feet, 14,000 square feet more than the 1986 proposal, and will require alterations to the main entrance portal and the extension of a portion of the Project's Washington Street facade from the third to the fourth floor. The anticipated occupancy date of the Athletic Club is now Summer 1988.

BRA staff has reviewed and approved schematic plans for the design changes for the Athletic Club. The Project will be subject to on-going design review through the Contract Documents stage of design. We, therefore, recommend that the Authority adopt the Sixth Amendment to the 1979 Report and Decision which approved the Lafayette Place Project.

An appropriate vote follows:

VOTED: That the document presented at this meeting entitled: "Sixth Amendment to the Report and Decision on the Application of Lafayette Place Associates for the Authorization and Approval of a Project under Massachusetts General Laws (Ter. Ed.) Chapter 121A as amended, and Chapter 652 of the Arts of 1960, to be undertaken and carried out by a Limited Partnership formed under M.G.L. Chapter 109, and Approval to Act as an Urban Redevelopment Limited Partnership Under Said Chapter 121A" be and hereby is approved and adopted.